

REMARKS

This Application has been carefully reviewed in light of the Decision of the Board Of Patent Appeals and Interferences (“*Board Decision*”) transmitted May 28, 2010. Claims 1-31 are pending, and Applicants amend Claims 1, 11, 21, and 31 and cancel Claims 2-3, 12-13, and 22-23. Applicant respectfully requests reconsideration and favorable action in this case.

I. Rejections Under 35 U.S.C. § 101

The Supreme Court’s decision in *Bilski v. Kappos*, No. 08-964, 561 U.S. ____ (June 28, 2010), which came out one month after the *Board Decision*, makes clear that Applicant’s claims are directed to patentable subject matter. In affirming the Examiner’s rejection of Claims 11-20 under 35 U.S.C. § 101 as being directed to non-statutory subject matter, the Board found that “the claimed ‘consumer system’ of independent Claim 11 may be construed solely as software and/or data constructs since it recites no apparatus or hardware that would instantiate any of the instructions contained within the claimed elements.” *Board Decision*, p. 10. This analysis is now improper in light of the Supreme Court’s ruling.

To the extent that the Examiner and the Board contend that Claims 11-20 are directed solely to a software process, Applicants respectfully submit that these claims are patentable in light of the Supreme Court’s *Bilski* decision. The Supreme Court states in *Bilski* that a process is patentable unless it directed to an abstract idea, law of nature, or mathematical formula. *See id.* at slip op. 13-16. Applicant respectfully submits that a database, an interface, and an agent are not abstract ideas. Moreover, Claim 11 is directed to a consumer system including those elements, not merely a process. Accordingly, Applicant respectfully requests that the rejection of Claims 11-20 be withdrawn since the claims are directed to statutory subject matter.

II. Rejections Under 35 U.S.C. § 103

The *Board Decision* affirms the Examiner’s rejection of Claims 1-31 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application Publication 2008/0010105 issued to Rose et al. (“*Rose*”) in view of U.S. Patent Application Publication 2006/0287897 issued to Sobalvarro et al. (“*Sobalvarro*”). Applicants respectfully request reconsideration and allowance of Claims 1-31, as amended by this filing.

Consider Applicant’s Claim 1, as amended, which recites:

A method for dynamic service scheduling comprising:

identifying a template specifying a plurality of unfulfilled events associated with an unaccomplished task designated by a user, wherein each of the events define a subtask to be completed to accomplish the task;

determining a plurality of consumer descriptors, wherein each consumer descriptor comprises consumer preferences for use during service scheduling;

accessing a remote service directory having service descriptors for each of a plurality of services;

for each of the events:

filtering the services from the service directory based on the service descriptors, the event, and the consumer descriptors to determine potential ones of the services for fulfilling the event;

querying each of the potential services for additional service descriptors;

filtering the potential services based on the additional service descriptors, the event, and the consumer descriptors to determine selected ones of the services for fulfilling the event;

identifying service links for accessing the selected services; and

modifying the template to associate the service links with the event; and

presenting the template for acceptance,

wherein for each of the potential services, the additional service descriptors comprise a plurality of interface descriptors each identifying a feature of the potential service and a format for interfacing with the feature and

wherein each of the service links points to a particular feature of the identified service and specifies a command for accessing the particular feature.

Applicants respectfully request continued examination of the pending claims in light of clarifying amendments made to Claims 1, 11, 21, and 31. For example, Applicants' amended Claim 1 requires "a template specifying a plurality of unfulfilled events associated with an unaccomplished task designated by a user, wherein each of the events define a subtask to be completed to accomplish the task" and "a plurality of consumer descriptors . . . [each] compris[ing] consumer preferences for use during service scheduling." In addition,

Applicants have canceled certain dependent claims and incorporated the subject matter into their respective independent claims. As a result of these clarifying amendments, Applicants respectfully request reconsideration and allowance of all pending claims.

Among other aspects, *Rose* and *Sobalvarro*, whether taken alone or in combination, fail to teach or suggest, (A) “a template specifying a plurality of unfulfilled events associated with an unaccomplished task designated by a user, wherein each of the events define a subtask to be completed to accomplish the task;” (B) “a plurality of consumer descriptors . . . compris[ing] consumer preferences for use during service scheduling;” (C) “for each of the events . . . modifying the template to associate the service links with the events;” (D) “for each of the events . . . querying the potential services . . . [and] filtering the potential services based on the . . . additional service descriptors compris[ing] a plurality of interface descriptors each identifying a feature of the potential service and a format for interfacing with the feature;” and (E) “for each of the events . . . identifying service links . . . [and] modifying the template to associate the service links . . . wherein each of the service links point to a particular feature of the identified service and specify a command for accessing the particular feature,” as Claim 1 requires.

A. *Rose* and *Sobalvarro* fail to teach or suggest “a template specifying a plurality of unfulfilled events associated with an unaccomplished task designated by a user, wherein each of the events define a subtask to be completed to accomplish the task”

As teaching “a template specifying a plurality of unfulfilled events associated with an unaccomplished task designated by a user, wherein each of the events define a subtask to be completed to accomplish the task,” the Examiner points to Figures 5A and 6A of *Rose*. *Final Office Action*, p. 2; *see also Advisory Action*. The cited figures describe a proposed web home page for accessing various “super-communities” and a web page for a restaurant “super-community” that “allows an Internet user to search and find multiple available reservations at different restaurants 76 affiliated with the [restaurant] super-community 72 and meeting the user’s search criteria.” *Rose*, Figs. 5A, 6A, and ¶¶ 53, 56. While *Rose* appears to disclose a search engine for identifying a particular service at a particular time slot (e.g., a dinner reservation), the cited portions fail to disclose “a template specifying a plurality of unfulfilled events associated with an unaccomplished task . . . wherein each of the events define a subtask to be completed to accomplish the task,” as Claim 1 requires. In fact,

Rose's dinner reservation search engine does not disclose any template, much less a template specifying unfulfilled events associated with an unaccomplished task. Instead, *Rose* describes presenting a "data entry window" for receiving a specific time and place for making a dinner reservation. *Rose*, Fig. 6A and ¶ 56. Moreover, *Rose*'s dinner reservation does not represent "a **plurality** of unfulfilled events," and further does not "define a **subtask to be completed** to accomplish the [unaccomplished] task," as Claim 1 demands. (emphasis added). Therefore, a dinner reservation engine that merely allows users to make a dinner reservation at a particular time slot does not teach or suggest "a template specifying a plurality of unfulfilled events associated with an unaccomplished task designated by a user, wherein each of the events define a subtask to be completed to accomplish the task," as Claim 1 recites. Likewise, *Sobalvarro* fails to cure this deficiency. Accordingly, the cited references, whether taken alone or in combination, fail to teach or suggest all elements of Claim 1.

Independent Claims 11, 21, and 31 include limitations that, for substantially similar reasons, are not taught by *Rose* and *Sobalvarro*. Because *Rose* and *Sobalvarro* do not teach or suggest every element of independent Claims 1, 11, 21, and 31, Applicant respectfully requests reconsideration and allowance of Claims 1, 11, 21, and 31, and their respective dependent claims.

B. *Rose* and *Sobalvarro* fail to teach or suggest "a plurality of consumer descriptors . . . [each] compris[ing] consumer preferences for use during service scheduling"

As teaching "'a plurality of consumer descriptors . . . [each] compris[ing] consumer preferences for use during service scheduling," the Examiner points to Figure 6A of *Rose*. *Final Office Action*, p. 4. The cited figure of *Rose* discloses an restaurant reservation website with "data entry window[s]" to facilitate making restaurant reservations at a particular time slot. Although *Rose*'s data entry fields shows fields for accepting search criteria, it does not disclose "a plurality of consumer descriptors . . . [each] compris[ing] consumer preferences for use during service scheduling." In other words, *Rose*'s disclosure of data entry fields for a single search for dinner reservations does not teach or suggest multiple consumer descriptors each having consumer preferences for use during service scheduling. Likewise, *Sobalvarro* fails to cure this deficiency. Accordingly, the cited references, whether taken alone or in combination, fail to teach or suggest all elements of Claim 1.

Independent Claims 11, 21, and 31 include limitations that, for substantially similar reasons, are not taught by *Rose* and *Sobalvarro*. Because *Rose* and *Sobalvarro* do not teach or suggest every element of independent Claims 1, 11, 21, and 31, Applicant respectfully requests reconsideration and allowance of Claims 1, 11, 21, and 31, and their respective dependent claims.

C. ***Rose* and *Sobalvarro* fail to teach or suggest “for each of the events . . . modifying the template to associate the service links with the event”**

As teaching “for each of the events . . . modifying the template to associate the service links with the event,” the Examiner points to static travel packages as disclosed by *Sobalvarro*. *Final Office Action*, p. 5. Significantly, *Sobalvarro*’s travel packages are predefined at the back end, and the sales interface at the front end (i.e. the website), which the Examiner equates to the claimed “template,” is never “modif[ied] . . . to associate the service links with the events.” *Sobalvarro* makes this clear when it states that a “back end interface . . . can be used to enter . . . groupings of products and/or services to be offered for sale on the sales interface” at the front end. *Sobalvarro*, Abstract. Thus, instead of dynamically “modifying the template to *associate* the service links with the event,” *Sobalvarro* merely fetches a preexisting travel package which was predefined using the back end interface. (emphasis added). In addition, *Sobalvarro*’s website cannot be equated to the claimed template because it is not “a template specifying a plurality of unfulfilled events associated with an unaccomplished task designated by a user, wherein each of the events define a subtask to be completed to accomplish the task.” (emphasis added). Moreover, *Sobalvarro*’s website is not modified at all, much less iteratively modified to associate service links with each event as Claim 1 requires.¹ Therefore, *Sobalvarro* fails to teach or suggest all elements of Claim 1. Likewise, *Rose* fails to cure this deficiency. Accordingly, the cited references, whether taken alone or in combination, fail to teach or suggest all elements of Claim 1.

Independent Claims 11, 21, and 31 include limitations that, for substantially similar reasons, are not taught by *Rose* and *Sobalvarro*. Because *Rose* and *Sobalvarro* do not teach or suggest every element of independent Claims 1, 11, 21, and 31, Applicant respectfully

¹ Applicants respectfully note that Claim 1 recites an iterative method for dynamic service scheduling when it requires certain steps to be performed “for each of the events,” including “for each of the events . . . modifying the template to associate the service links with the event.”

requests reconsideration and allowance of Claims 1, 11, 21, and 31, and their respective dependent claims.

D. Rose and Sobalvarro fail to teach or suggest “for each of the events . . .” querying potential services and filtering the potential services based on “additional service descriptors compris[ing] a plurality of interface descriptors”

As teaching, “for each of the events . . . querying the potential services . . . [and] filtering the potential services based on the . . . additional service descriptors compris[ing] a plurality of interface descriptors each identifying a feature of the potential service and a format for interfacing with the feature,” the Examiner points to Figure 8 of *Rose*. *Final Office Action*, p. 6. The cited figure shows a web page for a specific restaurant. While the cited figure shows buttons for viewing more information about the restaurant (*e.g.* the menu, specials, wine list, etc), it does not teach or suggest performing iterative steps of “querying” and “filtering” where each additional service descriptors comprise “interface descriptors . . . identifying a **feature** of the potential service and a **format** for interfacing with the feature,” as Claim 1 requires. Therefore, *Rose* fails to teach or suggest all elements of Claim 1. Likewise, *Sobalvarro* fails to cure this deficiency. Accordingly, the cited references, whether taken alone or in combination, fail to teach or suggest all elements of Claim 1.

Independent Claims 11, 21, and 31 include limitations that, for substantially similar reasons, are not taught by *Rose* and *Sobalvarro*. Because *Rose* and *Sobalvarro* do not teach or suggest every element of independent Claims 1, 11, 21, and 31, Applicant respectfully requests reconsideration and allowance of Claims 1, 11, 21, and 31, and their respective dependent claims.

E. Rose and Sobalvarro fail to teach or suggest “each of the service links point[ing] to a particular feature of the identified service and specif[ying] a command for accessing the particular feature,”

As teaching “for each of the events . . . identifying service links . . . [and] modifying the template to associate the service links . . . wherein each of the service links point to a particular feature of the identified service and specify a command for accessing the particular feature,” the Examiner points to Figure 8 of *Rose*. As discussed above, the cited figure shows a web page for a specific restaurant. *Final Office Action*, p. 6. While the cited figure shows buttons for viewing more information about the restaurant (*e.g.* the menu, specials, wine list,

etc.), it does not teach or suggest iteratively performing the steps of “identifying” and “modifying” where “each . . . **service link[]** point[ing] to a particular feature . . . and specif[ying] a **command for accessing the particular feature,**” as Claim 1 requires. (emphasis added). Therefore, *Rose* fails to teach or suggest all elements of Claim 1. Likewise, *Sobalvarro* fails to cure this deficiency. Accordingly, the cited references, whether taken alone or in combination, fail to teach or suggest all elements of Claim 1.

Independent Claims 11, 21, and 31 include limitations that, for substantially similar reasons, are not taught by *Rose* and *Sobalvarro*. Because *Rose* and *Sobalvarro* do not teach or suggest every element of independent Claims 1, 11, 21, and 31, Applicant respectfully requests reconsideration and allowance of Claims 1, 11, 21, and 31, and their respective dependent claims.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If a telephone conference would advance prosecution of this Application, the Examiner may call Kurt M. Pankratz, Attorney for Applicants, at 214-953-6584.

The Commissioner is hereby authorized to charge the Request for Continued Examination (RCE) fee or \$810.00 and any other fees required to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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